

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

MICHELLE GARRETT,

Plaintiff,

v.

KILOLO KIJAKAZI, acting  
Commissioner of Social Security,

Defendant.

CASE NUMBER: 1:20-cv-01204-GSA

**ORDER REJECTING STIPULATION**

(Doc. 16)

The parties stipulate to a 60-day extension of time from December 29, 2021 to February 28, 2022 for Plaintiff to serve defendant with Plaintiff's opening brief due to counsel's increased workload. The stipulation cannot be accepted.

The docket reflects no certificate of service of Defendant's confidential response brief, a deadline which has not yet passed and runs 35 days from Plaintiff's November 29 service of her confidential letter brief, making the response brief deadline January 3, 2022. Doc. 5 at 2. Assuming Defendant has already served the same but neglected to file the certificate of service, Plaintiff's opening brief would be due 30 days from the day Defendant served the response letter brief. Doc. 5 at 2. Moreover, it is premature to grant a 60-day extension for cause when counsel have not used the 30-day extension provided for by the scheduling order. In the event that extension is insufficient counsel may renew the request for an extension for cause via motion as directed by the scheduling order. *Id.*

Accordingly, it is **ORDERED** that the stipulation is rejected and counsel are directed to proceed as directed by the scheduling order before submitting additional requests.

1 IT IS SO ORDERED.

2 Dated: December 13, 2021

3 /s/ Gary S. Austin  
4 UNITED STATES MAGISTRATE JUDGE  
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